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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA  
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IN RE: POSSIBLE VIOLATIONS  
OF 18 USC 2511 & 2512  
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Grand Jury Room No. 3  
United States District Courthou  
3rd & Constitution Avenue, N. W  
Washington, D. C.

Thursday, September 13, 1973

The testimony of JOHN EHRLICHMAN was presented to  
a full quorum of the Grand Jury.

BEFORE:

- JAMES F. NEAL, ESQ.  
Assistant Special Prosecutor  
United States Department of Justice
- RICHARD BEN-VENISTE, ESQ.  
Assistant Special Prosecutor  
United States Department of Justice
- GEORGE T. FRAMPTON, JR., ESQ.  
Assistant Special Prosecutor  
United States Department of Justice
- JILL W. VOLNER  
Assistant Special Prosecutor  
United States Department of Justice

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Washington, D.C. 20002  
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1 A No.

2 Q It is an affirmative statement, as you recognize.

3 A Unquestionably my recollection of that was better  
4 then than it is now because I just haven't had any occasion to  
5 go back over that.

6 BY MR. NEAL:

7 Q So the answer is that there may be some there in the  
8 President's papers, but at the present time you have no recoll-  
9 ection of what the conversation would be and with whom?

10 A No.

11 BY MR. BEN-VENISTE:

12 Q Can you furnish the other two that you have mention-  
13 ed to this Grand Jury within the next day or so?

14 A Yes. I wish you would ask my attorney and I would  
15 be happy to provide those.

16 Q When was the first time you had ever heard or dis-  
17 cussed with anyone the subject of clemency with respect to  
18 any of the persons who were indicted or who might have been  
19 indicted in connection with the Watergate break-in?

20 A As I recall, that would have been a conversation  
21 that I had with the President around the week of the Fourth of  
22 July of 1972.

23 Q That's the very first time?

24 A That I can recall, yes.

25 Q Who was present?

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1 A No one else.

2 Q What was the substance of that conversation?

3 A Well, it was a very long, rambling conversation about  
4 a lot of things, and in the course of that we talked about the  
5 Watergate defendants, and I raised the point with the President  
6 that presidential pardons or something of that kind inevitably  
7 would be a question that he would have to confront by reason  
8 of the obvious political aspect of this.

9 We discussed it briefly at that point. He expressed  
10 the firm view that for what he considered to be very sound  
11 reasons, he would never be in a position to grant a pardon or  
12 any form of clemency in this case.

13 And then on the basis of that, he and I agreed, and  
14 I can't say who said it, that this ought not to be a subject  
15 that was ever brought to his door; that it just should be  
16 something that was excluded from his consideration.

17 Q And I take it at this point, on the basis of all your  
18 previous testimony, that there was no suggestion that this  
19 break-in had been authorized by anyone connected with the White  
20 House or the Committee to Re-elect the President, or anyone  
21 representing the President?

22 A That's right, but it was obviously an effort -- on  
23 the four corners of it -- an effort adverse to our opposition,  
24 our political opposition, and if the President were ever invit-  
25 ed to take any action on clemency, all kinds of suspicions and



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1 all kinds of imputations to them would then arise.

2 Q Well, this was quite premature for consideration of  
3 clemency, which normally takes place after trial and conviction  
4 of the defendants, and some service of sentence.

5 Why did you believe at that time, if I understand  
6 your testimony, that it would inevitable or it was likely that  
7 this subject would come up for discussion?

8 A Well, I didn't think it was inevitable, but I thought  
9 it was certainly a hazard in this thing for the President, and  
10 this was a matter of foresight as far as I was concerned.

11 Trying to anticipate future problems that might come  
12 up is one of the things that I was there for.

13 Q In July of 1972 you said to the President that this  
14 was a hazard which might come up, and that it was something  
15 that you ought to discuss then?

16 A I didn't say we ought to discuss it. I said it was  
17 just something that came in the flow of the conversation and  
18 we did discuss it.

19 Q What else were you discussing at that time that this  
20 came in the flow of?

21 A I'm hard pressed to tell you offhand. It was about  
22 a three or four hours conversation, and we were just all over  
23 the lot.

24 I can remember one thing we discussed was the devel-  
25 opment of the waterfront on the southern coast of California.

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Q Well, let's move from waterfronts to Watergates. I take it that this came in the flow of some other conversation about the Watergate matter.

A I'm sure it did, but I can't tell you what it was. It was in the setting of the Watergate episode then being quite removed from the President and his candidacy and the re-election effort by reason of the identity of these defendants being so removed from any hierarchy or from the White House.

I think I raised this in the sense that there were only a couple of ways that it could ever be imputed to the President or could any way be a liability to him, and obviously this was one of those ways.

Q That if prior to the election he grants an executive clemency to someone who hadn't been tried yet?

A No, not prior. I wasn't thinking of prior. I was thinking of sometime off in the future. In other words, we were looking at it in the long haul and not in any near term immediacy basis at all.

Q And you both wanted to make sure that no one representing the White House would have any discussion linking the President to any question of clemency or leniency with respect to these arrested defendants?

A That's the way we generally ended up with an understanding to that effect. It wasn't this great huge thing at that time at all. It was just the first time I can ever

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1 remember a discussion on that subject.

2 Q And you say that there was no suggestion from any  
3 other person at any time before that that this might be an  
4 area that you ought to discuss either prophylactically or  
5 otherwise?

6 A Not that I can recall, no.

7 Q When was the next time you heard anyone discuss the  
8 matter of clemency?

9 A The next time that I remember it being a question  
10 or a problem was in January of this year at this meeting with  
11 Mr. Dean and Mr. Colson on the subject of Mr. Hunt.

12 Q Between July and January you have no recollection of  
13 anyone at all even mentioning the subject of leniency, clemen-  
14 cy, the length of sentence that any of the defendants might  
15 get, how they might react to a long sentence, and so forth?

16 A I remember conversations about -- well, speculation  
17 about sentence.

18 Q With whom did you have that conversation?

19 A Just speculation. I don't know. It may have been  
20 one of the things that Dean was reporting from time to time.  
21 He was, of course, talking to the Justice Department, and he  
22 was trying to anticipate what was going to happen in the case,  
23 and he was bringing advance tidbits, so to speak, as they would  
24 come along, and I think this business of sentencing was one of  
25 those things that he brought over.



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1 A That's right.

2 Q Now you have testified in the last two days that  
3 -- apparently contrary to your Senate testimony -- that Mr.  
4 Dean did not tell you on June 19th, 1972, that he had had  
5 a conversation with Liddy, and that Liddy had said that it  
6 was Liddy's operation, and Dean further related that it was  
7 just a matter of time before the Justice Department picked him  
8 up.

9 You've testified that you are unclear about that,  
10 and you think that it might not have been until the Fourth of  
11 July when you heard that from Dean. Is that fair to say?

12 A No. I think what's fair to say is that I'm not  
13 sure and I'm not. I don't intend to testify contrary to any  
14 prior testimony, but I do have to give you the best sense of  
15 my recollection that I have, and the sense of it is that it  
16 was later than that date.

17 Q But your best recollection is that it was between  
18 June 19th and the Fourth of July?

19 A Someplace in that area.

20 Q Now when was the first time that you were aware  
21 that the President was aware that Liddy had an involvement in  
22 this business?

23 A I don't know.

24 Q Was the President aware of that on the Fourth of  
25 July?

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1 A I haven't any idea.

2 Q Was he aware of it before the 10th of July, based  
3 on your long and very complete discussions with him on the  
4 6th, 7th, and 8th of July?

5 A I don't know.

6 Q Was he aware of it at the time you had a discussion  
7 about the possibility of executive clemency coming up for  
8 some of these people?

9 A I don't know. I don't recall discussing Liddy with  
10 the President, or his indicating his awareness of Liddy to  
11 me on any specific occasion.

12 Q But you have testified that you were aware of it,  
13 say by July 6th, or that week of July 4th when you -- after  
14 July 4th when you had these conversations with the President,  
15 you were undoubtedly aware from Dean that Liddy had admitted  
16 to Dean that it was Liddy's operation, is that correct?

17 A I would assume so.

18 Q And are you testifying that you were aware of that  
19 and you had conversations with the President about the possi-  
20 bilities of Executive clemency for these people, and you just  
21 omitted to tell the President the general counsel for the  
22 finance committee had admitted to Dean that it was his opera-  
23 tion?

24 A No, I'm not testifying to that.

25 BY MR. BEN-VENISTE: